

**FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

POGO PRODUCING COMPANY,  
Plaintiff,

v.

KEM ANTHONY MOORE,  
Defendant.

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CIVIL ACTION NO. H-06-2432

**MEMORANDUM AND ORDER**

Pending before the Court in Plaintiff Pogo Producing Company's ("Pogo") Agreed Motion for Leave to Amend [Doc. # 34]. Pogo intends to amend its complaint to join Texas Mineral Investors Group (TMIG), which is an assumed business name registered to Moore. *See* Receipt of Certificate of Operation Under Assumed Name, Exhibit B to Plaintiff's Agreed Motion to Amend [Doc. # 34]. Pogo represents that Moore has agreed not to oppose the amendment on the condition that Pogo does not object to Moore amending his own "original complaint." Pogo notes that as Moore does not have a complaint in this case, it will not oppose an amendment to Moore's Answer [Doc. # 16]. In any event, Moore has not filed a motion to amend any of his pleadings. It is therefore

**ORDERED** that Plaintiff Pogo Producing Company's Agreed Motion for Leave to Amend [Doc. # 34] is **GRANTED**. Pogo must file its First Amended Complaint, currently Exhibit A to the Motion, as a separate document. The Complaint shall be deemed filed as of **November 27, 2006**.

**SIGNED** at Houston, Texas, this **27th** day of **November, 2006**.



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Nancy F. Atlas  
United States District Judge